UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,625	03/08/2001	Adolphe Johannes Gerardus Ruigt	NL 000095	8317

7590 11/29/2002

Corporate Patent Counsel
U.S. Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER
KOVALICK, VINCENT E

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/801,625	RUIGT, ADOLPHE JOHANNES GERARDUS	
	Examiner	Art Unit	
	Vincent E Kovalick	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This Office Action is in response to Applicant's Patent Application, Serial No. 09/801,625 with a file date of March 3, 2001.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, lines 6: The function intended by the phrase "dependence upon the switching behavior of a measuring element" is vague. The intended function has to be described in the claim in a clear and understandable manner.
- Claims 1-6, last line in each of said claims 1-6: The term "measuring element" is broad. Said "element" will have to be more precisely described in the claim.
- Claims 2-3, lines 10 and 14 respectively, the phrase "switching current of the measuring element" needs to be more clearly defined in said claims.
- Claim 4, line 19, the phrase "measuring to peak current in the measuring element" needs to be more specific in the claim.

o Claim 6, lines 25-26: The phrase "the measuring element comprises a pixel" is unclear. The intent of this phrase has to be re-stated to covey an understandable meaning.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCartney et al. (USP 5,088,806).

Relative to claim 1 (as best understood) McCartney **teaches** an apparatus and method for temperature compensation of Liquid Crystal Matrix display (col. 3, lines 7-27). McCartney further **teaches** a liquid crystal display device comprising a first substrate provided with electrodes and a second substrate provided with electrodes, and a twisted nematic liquid crystal material between the two substrates (col. 1, lines 15-40; col. 2, lines 1-2 and 13-32, and col. 3, lines 53-68), overlapping parts of the electrodes define pixels (col. 1, lines 45-49), characterized in that the display device is provided with means for adjusting the operating voltage of the liquid

crystal display device in dependence upon the switching behavior of a measuring element (col. 4 lines 1-6 and 17-30).

The major difference between the teaching of the instant invention and the teaching of the re-cited prior art is that said prior art **teaches** the measuring element being a thermostat tied to a temperature sensor; wherein the instant invention does not identify a measuring element.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the teaching of McCartney et al. satisfies the limitations of claim 1 (as best understood) of the instant invention .

6. Claims 2 and 6 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over McCartney et al. as applied to claim 1 in item 5 hereinabove, and further in view of Wakita.

Relative to claims 2 and 6, Wakita **teaches** a driving circuit for use in a Liquid Crystal Display device (col. 3, lines 65-68 and col. 5, lines 1- 40). Wakita further **teaches** (as best understood) said LCD device characterized in that the means for adjusting the operating voltage of the display device comprises means for measuring the switching current of the measuring elements (col. 3, lines 65-68 and col. 4, lines 1-22). Still further, Wakita **teaches** a LCD device characterized in that the measuring element comprises a pixel (col. 3, lines 65-68 and col. 4, lines 1-13).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by McCartney et al. the feature as taught by Wakita in order to incorporate the means for using the switching current of various measuring elements,

e.g. a pixel, on which to base the adjustment of the operating voltage.

7. Claim 5 (as best underestood) is rejected under 35 U.S.C. 103(a) as being unpatentable over McCartney et al. al.. applied to claim 1 in item 5 hereinabove, and further in view of Portmann.

Regarding claim 5, Portmann **teaches** a LCD cell having capacitance compensation (col. 3, lines 26-68 and col. 4, lines 1-2). Portmann further **teaches** a LCD device characterized in that the means for adjusting the operating voltage of the display device comprise means for measuring the capacitance of the measuring element (col. 3, lines 11-16 and 26-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by McCartney et al. the feature as taught by Portmann in order to use the capacitance of the measuring element as the criteria for adjusting the operating voltage of the display device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,388,649	Tanaka et al.
U. S. Patent No.	6,118,423	Rosenquist
U. S. Patent No.	6,075,512	Patel et al.
U. S. Patent No.	5,995,456	Brewer et al.

Responses

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vincent E. Kovalick** whose telephone number is **(703) 306-3020**. The examiner can normally be reached Monday-Thursday from 9:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bipin Shalwala**, can be reached at **(703) 305-4938.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Inquires

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

Vincent E. Kovalick

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600